

REMARKS

In the October 7, 2003 Office Action, the Examiner noted that claims 1-17 were pending in the application; rejected claims 1-9, 11 and 15-17 under 35 U.S.C. § 102(b); and rejected claims 10 and 12-14 under 35 U.S.C. § 103(a). In rejecting the claims, U.S. Patents 4,945,475 to Bruffey et al.; 5,564,119 to Krawchuk et al.; 5,764,972 to Crouse et al.; 5,778,389 to Pruett et al.; and 6,018,744 to Mamiya et al. were cited. Claim 18 has been added and thus, claims 1-18 remain in the case. The Examiner's rejections are traversed below.

PRIOR ART REJECTIONS

The rejection of the claims in items 2-7 on pages 2-5 of the October 7, 2003 Office Action was substantially identical to the rejection of the claims in the June 10, 2003 Office Action, except that "indicating a policy on which file management is based" was added on page 2, lines 10-11, and a few other words or letters were added or deleted. In short, the rejection was not modified in response to the arguments in the Amendment filed by certificate of mail on September 10, 2003 and received by the U.S. Patent and Trademark Office on September 12, 2003.

The Response to Arguments in items 8-9 on pages 6-11 of the October 7, 2003 Office Action did little more than repeat the rejection set forth on pages 2-5. In response to the argument in the September 10, 2003 Amendment that Bruffey et al. contains no suggestion of storing "attribute data indicating a policy on which file management is based" (e.g., claim 1, lines 3-4) corresponding to "path information of a directory" (e.g., claim 1, line 4), column 3, lines 10-55, and column 6, lines 15-42 of Bruffey et al. were cited. In addition to quoting about 75 lines of the cited portions of Bruffey et al., the October 7, 2003 Office Action asserted that "at least Figure 2 which illustrates the architecture of the Hierarchical Filing System (HFS) of the present invention and as embodied in Figure 6 reads on the claim 1 limitation 'a setting unit setting policy attribute data indicating a policy on which file management is based.'" (Office Action, p. 7, lines 27-30).

In response to the Request Reconsideration filed February 9, 2004, the Advisory Action mailed February 25, 2004 highlighted the first five sentences in column 3, lines 10-24 of Bruffey et al. and stated that the claim language "attribute data indicating a policy on which file management is based in correspondence with path information of a directory" (e.g., claim 1, lines 3-4) was disclosed by column 3, lines 10-54 of Bruffey et al. Merely highlighting text and repeating assertions in the Office Actions is not a response to the arguments that were made in

the Amendment filed September 10, 2003 and the Request for Reconsideration filed February 9, 2004. In an attempt to further explain the Applicant's position, the arguments made previously are further explained below.

In the Advisory Action, words in column 3, lines 10-16 of Bruffey et al. were highlighted describing the hierarchical filing system illustrated in Fig. 2 which shows a root directory, subdirectories and files arranged in a tree-like structure with one or two branches at each node. According to the Advisory Action, the highlighted language is supposed to relate to "attribute data indicating a policy on which file management is based" (e.g., claim 1, lines 3-4). However, highlighting these words in Bruffey et al. does not provide an explanation of what "policy" is indicated or what "attribute data" is used to indicate the policy. Applicant is unable to find anything in the highlighted text or anywhere else in Bruffey et al. that refers to either file management policies or attribute data that indicates a policy which can be used for managing files.

The Advisory Action also highlighted words that appear in column 3, lines 16-19 of Bruffey et al. as relating to the phrase "in correspondence with path information of a directory" (e.g., claim 1, line 4). This highlighted text describes the hierarchical filing system disclosed in Bruffey et al. as containing directories that are branching nodes "allowing for none or a plurality of sub-branching nodes" (column 3, lines 16-17) and containing "information which permits the branching to occur" (column 3, lines 18-19). The last seven quoted words from Bruffey et al. are the only words in Bruffey et al. that have been found that even hint at any kind of data used to control the hierarchical filing system taught by Bruffey et al. However, this data is not described as relating to files, but rather directories. No explanation has been provided by the Examiner of why these words would suggest to a person of ordinary skill in the art that file management should be based on a policy indicated by attribute data in correspondence with path information of a directory, let alone how this language could be interpreted as anticipating the claims in the subject application.

Claim Amendments and New Claim 18

Due to the lack of explanation of the rejections provided by the Examiner, it is unclear whether the Examiner does not understand the differences between the invention and Bruffey et al., or is interpreting the claim language much differently than intended. In case the reason for the continued rejection of the claims is the latter, claim 17 has been amended to emphasize that the policy attribute data relates to **files** in the directory, not merely branching of a directory into subdirectories as disclosed by Bruffey et al. In addition, claim 18 has been added to recite the invention using different language. Like claim 15, claim 18 recites a file management method,

but the setting operation uses language similar to that on page 2, lines 7-9 of the application. Consideration of the language in claim 18, as well as reconsideration of claims 1-17 is respectfully requested.

REQUEST FOR EXAMINER INTERVIEW

As discussed during the telephonic Examiner Interviews on February 9 and 24, 2004 and in the Request for Reconsideration filed February 9, 2004, the undersigned strongly believes that significant progress could be made in the examination of this application by holding an in-person Examiner Interview. The language used in claim 18 is an example of the type of language that could be used in the claims. However, a better understanding of why the Examiner believes Bruffey et al. discloses any type of file management based on policy attribute data is needed to determine what amendments are appropriate. Therefore, it is respectfully requested that an in-person Examiner Interview is held prior to the next Office Action.

SUMMARY

For the reasons set forth above and in the September 10, 2003 Amendment, it is submitted that the cited prior art does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-18 are in a condition suitable for allowance. Scheduling of an Examiner Interview and subsequent reconsideration of the claims are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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